

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Branko D. KOVACEVIC  
Title: SYSTEM AND METHOD FOR RECEPTION, PROCESSING AND TRANSMISSION OF DIGITAL AUDIO STREAM  
App. No.: 09/800,225 Filed: March 6, 2001  
Examiner: Huyen X. VO Group Art Unit: 2626  
Customer No.: 34456 Confirmation No.: 3322  
Atty. Dkt. No.: ATI.0100440 (1376-0100440)

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Commissioner for Patents  
PO Box 1450  
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**REMARKS IN SUPPORT OF  
THE PRE-APPEAL REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed January 3, 2007 (hereinafter, "the Final Action"), and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicant requests review of the following issues on appeal.

**Request for at least three examiners on the panel**

In order to facilitate full consideration of the remarks filed herewith, the Applicant respectfully requests that the Art Unit Supervisor designate a panel composed of at least three examiners.

**The Office's basis for rejection has already been addressed and overcome in a previous appeal**

With respect to claim 1, the Final Action asserts that Movshovich (US 6,359,911) discloses the recited elements of "comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data." *Final Action*, p.3. In the Remarks In Support Of Pre-

Appeal Request for Review submitted with the prior Notice of Appeal on May 22, 2006, the Applicant explained that Movshovich does not in fact disclose or suggest these elements. Based on those Remarks, the Panel Decision dated June 22, 2006 and thus this issue was settled in favor of the Applicant.

However, in the Final Action the Office continues to rely on the same basis of rejection that has already been overcome on appeal. Applicant respectfully submits that it is improper for the Office to continue to rely on art that has already been overcome by the Applicant. Nevertheless, for the Panel's convenience, Applicant again sets forth below the reasons that the cited art fails to disclose or suggest the elements of the pending claims.

**The cited art fails to disclose or suggest the recited elements of “comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data”**

Claim 1 recites “comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data.” According to the Final Action at page 3, these elements are disclosed by Movshovich. However, as explained in Applicant's previous Remarks submitted on May 22, 2006 with Applicant's previous Pre-Appeal Request for Review, Movshovich does not disclose comparing a value of a first field in a transport packet to a value of a first field register **in response to identifying the transport packet as containing audio stream data.**

Movshovich discloses an MPEG transport demultiplexor 200. *Movshovich*, FIG. 2. According to Movshovich

MPEG-2 allows for multiple *audio/video* programs to be provided per carrier, resulting in a multi-program transport stream (MPTS) which is a multiplex of a number of single program transport streams (SPTS). Each SPTS may contain different PES streams, *each of which carries different video, audio and possibly data information* all corresponding to a common program. Time division multiplexing (TDM) is used to concurrently transmit the multiple programs in an MPIS. *Because the MPEG-2 transport stream can include a multiplex of audio/video programs, the MPEG transport demultiplexor 200 must determine which transport packets are part of the desired program in order to pass them on to the external MPEG decoders for further processing.* The transport packets that

are not part of the desired program can be discarded. The PID match unit 304 makes the determination of which PIDs are part of the desired program.

*Id.*, col. 8, lines 11-26 (emphasis added). The Movshovich system uses a PID match unit to locate transport packets with matching PIDs and forward the packets to a local header unit. *Id.*, col. 8, lines 28-30. “The objective of the PID match unit 350 is to extract the PID information from the transport packets of the transport stream, for comparison with known PID table entries.” *Id.*, col. 9, lines 17-19. Further,

Because the MPEG-2 transport stream can include a multiplex of audio/video programs, the MPEG transport demultiplexor 200 must determine which transport packets are part of the desired program in order to pass them on to the external MPEG decoders for further processing. The transport packets that are not part of the desired program can be discarded. *The PID match unit 304 makes the determination of which PIDs are part of the desired program.*

*Id.*, col. 8, lines 18-26 (emphasis added). Thus, the comparison performed by the PID match unit is performed *on all incoming packets*, whether those packets are *audio, video or possibly data information* in order to determine which PIDs are part of a desired program. The comparison performed by the PID is not based on *whether an incoming packet contains audio stream data*. Accordingly, Movshovich does not disclose or suggest comparing a value of a first field in a transport packet to a value of a first field register **in response to identifying the transport packet as containing audio stream data**.

The Office itself acknowledges, at page 3 of the Final Action, “Movshovich fails to specifically disclose the step of **identifying a transport packet as containing audio stream data**.” *Final Action*, p. 3 (emphasis added). Applicant respectfully submits that, if a reference fails to disclose or suggest “identifying X”, it necessarily fails to disclose or suggest “doing Y in response to identifying X.” Thus, because Movshovich fails to disclose or suggest identifying a transport packet as containing audio stream data, it must necessarily fail to disclose or suggest comparing a value of a first field in the transport packet to a value of a first field register **in response to identifying the transport packet as containing audio stream data**.

Further, Lee does not remedy the deficiencies of Movshovich. Lee discloses a device having a transport stream demultiplexer 6 that provides transport stream packets to a video packet parsing part 4 and an audio packet parsing part 7. *Lee*, FIG. 2. Lee does not disclose or

suggest “comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome in response to identifying the transport packet as containing audio stream data” as recited in claim 1. Accordingly, Movshovich and Lee, individually and in combination, fail to disclose or suggest each and every element of claim 1.

With respect to claim 32, the claim recites claim recites “means for determining whether to enable audio stream data related to the transport packet to be received by a system or to discard the transport packet based at least in part on a comparison of a value of a first field in the transport packet to a value of a first field register, wherein the comparison is in response to identifying the transport packet as containing audio stream data.” As explained above, the cited art does not disclose or suggest any means for performing a comparison of a field in a transport packet *in response to identifying the transport packet as containing audio stream data*. Accordingly, the cited art fails to disclose or suggest each and every element of claim 32.

## Conclusion

As discussed above, the Office fails to establish that the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

/Adam D. Sheehan/

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